

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                                |   |                   |
|--------------------------------|---|-------------------|
| GEORGIA SOUTHWESTERN RAILROAD, | ) |                   |
| INC., a Corporation,           | ) |                   |
| <i>Plaintiff,</i>              | ) |                   |
| v.                             | ) | 2:06-CV-00003-DRB |
|                                | ) | [wo]              |
| AMERICUS C. MITCHELL, JR.,     | ) |                   |
| <i>Defendant.</i>              | ) |                   |

**ORDER ON MOTIONS**

Based on the arguments and representations of counsel at the November 28, 2006, hearing on pending motions, it is, for good cause, **ORDERED** as follows:

1. Defendant's *Motion to Compel* (Doc. 34, Nov. 21, 2006) is GRANTED to the extent of Plaintiff's agreement to make available to Defendant any records not already produced for assessment of relevance at 11:00 a.m. on November 29, 2006, at the previously scheduled site for Plaintiff's deposition. The parties agree that the deposition will be continued in order to permit an orderly review of the records produced and Defendant's re-evaluation of the need for subsequent depositions.

2. Defendant's *Motion to Extend Discovery Deadline* (Doc. 34, Nov. 21, 2006) is GRANTED to the extent of the extended deadline set in the Second Amended Scheduling Order filed herewith .

3. Defendant's *Motion to Determine Sufficiency of Discovery Responses* and *Motion for Privilege Log* (Doc. 35, Nov. 28, 2006) are each DENIED as mooted by the parties' agreement for discovery on November 29, 2006. If Plaintiff asserts privilege with respect to any of the documents produced, Defendant retains the right to reassert its Motion for Privilege Log.

4. Defendant's *Motion for Entry of Protective Order* (Doc. 35, Nov. 28, 2006) is GRANTED to the extent of the Agreed Protective/Confidentiality Order entered herewith after Plaintiff's review and represented concurrence.

DONE THIS 29th DAY OF November, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE